

DRAFT ONLY

Washington County Growth and Conservation Act of 2006
Bill Summary

Title I – Land Disposal

This title, modeled after similar components in three Nevada public land laws, will direct the disposal of BLM lands within the county to be sold at public auction or exchanged for non-federal land, including state trust lands, for not less than fair market value. The language will include a hard cap of not more than 25,000 acres of land to be available for disposal with a minimum of 17,000 acres required to be disposed of under the sale procedures.

Lands available for disposal are divided into three tiers. No proposed wilderness, areas of critical environmental concern or other high environmental priority lands would be eligible for disposal under any of the three tiers. Those acquiring the lands would have to certify that they would comply with any county master plan, county and city zoning ordinances, and other applicable ordinances.

- 1) Tier I – Approximately 6,000 acres of pre-identified land would be directed for sale following the required clearances. Much of this tier has already been identified through the BLM Resource Management Plan, and other local surveys as lands that should be made available for disposal. The BLM would hold periodic sales until all the lands have been offered.
- 2) Tier II – Not less than 12,000 acres would be identified for disposal through the the county and its locally organized quality growth planning process to assist them in identifying which lands should be included for disposal. However, in the event that there is no agreement locally, the county would have the authority to nominate the parcels in this tier. It is expected that these lands would not be offered until 2009. If the county and its locally organized quality growth planning process reach agreement prior to that date, they could petition the Secretary to offer the lands earlier.
- 3) Tier III – The balance of the remaining acreage, up to the hard cap of 25,000 acres, would be identified through the same process, although the county has agreed that they will not nominate this acreage in the event that they cannot reach agreement through the quality growth planning process for which lands should be nominated for disposal under Tier III.

The funds derived from the sale of the lands would be allocated as detailed below. The local / federal split of 15% / 85% is taken from the Nevada bills.

15% for non-federal public purposes:

- 5% directed to the state trust fund for public education.
- 2% directed to the County for administrative costs, fire protection, flood control, and transportation.

- 8% directed to the Washington County Water Conservancy District for water treatment, water conservation, and transmission facility infrastructure in the county.

85% for federal purposes:

- The preservation of private historic rangeland and vital watersheds, by conservation easement, in the vicinity of Kanarra Mountain and north and east of Zion National Park, and known as the Virgin River Headwaters Project. This project would have great watershed and viewshed benefits to Zion National Park. It is similar in objective to projects previously funded in Utah under the federal Forest Legacy program.
- The acquisition of critical land for the purpose of preserving rare plants, including the dwarf bear claw poppy.
- Establishing the High Desert Off-Highway Vehicle Trail, initiating the revision of the travel plan, and implementing a management plan.
- The processing of public land use authorizations and rights-of-way relating to the development of land conveyed under the Act.
- Processing wilderness designation, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated.
- Continuing the purchase of non-federal lands within the Washington County Habitat Conservation Plan, designated in the bill as the Red Cliffs National Conservation Area. This is an existing obligation under the present HCP.
- Trail repair and reconstruction within Dixie National Forest.
- Capital improvements at Zion National Park, Dixie National Forest, and for BLM lands within the county.
- The acquisition of inholdings within Zion National Park, on a willing seller basis only.
- The protection of the Red Cliffs National Conservation Area, designated by the Act, including the development of a management plan for the Conservation Area and any necessary amendments and mitigation necessary for the Washington County Habitat Conservation Plan.
- Other conservation projects, including parks, trails, and natural areas.

Title II – Wilderness Areas

This title will provide for the designation of 219,299 acres of land to be added to the National Wilderness Preservation System. The designation includes 123,743 of NPS land within Zion National Park, all of which were recommended by the agency for designation under their General Management Plan. The bill also includes 92,914 acres of BLM land and 2,642 acres of FS land. There are presently 88,379 acres of BLM land within the county that is managed as wilderness study area. The title releases approximately 7,500 acres of land back into multiple use management. Washington County already has two present wilderness areas. The existing 50,000 acre Pine Valley Forest Wilderness, on the Dixie National Forest, is already one of the largest wilderness areas in the state. There are also 3,653 acres in the BLM's Beaver Dam Mountain and

Paiute Wilderness designated in the western part of the county. This would mean that there would be 272,952 acres of wilderness within Washington County.

All language in this title has been taken from the NV bills and was replicated in the recently created Ojito Wilderness Act in New Mexico. All designations extend only to the Washington County border and do not include lands within Kane County. Those lands will need to be addressed in future legislation and are neither designated or released in this bill.

Title III – Wild and Scenic River Designation

This title designates 170 miles of segments of the Virgin River within Zion National Park for Wild and Scenic Rivers Act designation. *This would be the first designation in Utah history.* Utah is one of only a small handful of states, and the only western state, without a W&S designation. The designation would include language that ensures compatibility with the settlement agreement between the Washington County Water Conservancy District, Kane County Water Conservancy District, and the United States (on behalf of Zion NP). That landmark agreement ensures water flows for Zion NP and makes the W&S designation possible.

Title IV – Utility Corridors

The language for this title is taken from the NV bills. The bill ensures that identified utility corridors are open for right of way designations for the county and the Washington County Water Conservancy District. Of note, these corridors include the corridor for the Lake Powell pipeline, within the county, and the critical “northern” transportation corridor, although discussion is continuing on where that corridor should be located. The title specifically states that before granting any rights-of-way the Secretary must comply with NEPA, including the identification of any potential impact to fish and wildlife resources and habitat. The language also ensures that the Washington County Water Conservancy District will be able to obtain the necessary clearances for their water conveyance systems.

Title V – High Desert Off-Highway Vehicle Trail

This title would provide for the designation of a system of trails to be designated as the High Desert Off-Highway Vehicle Trail. The title directs that the BLM update their field office travel plan, within one year, to determine what existing trails to include in the system and to provide a management plan within 18 months of the date of enactment. The language directs an annual assessment, in consultation with the Utah Department of Natural Resources to assess the impact of the trail on wildlife and provides the Secretary with management options to address adverse impacts. The language is taken directly from the NV bills that designated the Silver State OHV Trail. The Washington County bill is different from the NV bill in that it does not actually direct what the trails are going to be, as the Lincoln County bill does, but leaves that up to the BLM travel plan process, allowing for more extensive public involvement.

Title VI – Red Cliffs National Conservation Area

This title provides for the designation of the Red Cliffs National Conservation Area. It is patterned after the Red Rock National Conservation Area designation in NV and other similar designations. The designation is designed to continue the management of the Red Cliffs Desert Reserve as the present desert tortoise habitat conservation plan expires and overlays the present 61,000 acre preserve. The lands sales in Title I of the legislation are expected to provide funding for continued acquisition of desert tortoise habitat within the habitat conservation plan area and to assist in the development and implementation of a management plan, including any necessary amendments to the Washington County Habitat Conservation Plan and mitigation beneficial to the desert tortoise.

Title VIII – Authorization of Appropriations

This title provides for the authorization of such sums as necessary to carry out the provisions of this Act.